

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re: Robinson Oldham : **Chapter 7 Case No. 11-11946**
: **Debtor** : **Judge Morgenstern-Clarren**
: **MOTION TO REOPEN CASE**
:

Now comes debtor, by and through counsel, and hereby moves this Honorable Court pursuant to §§105(a) and 350(b) of title 11 of the United States Code (the "Bankruptcy Code") and Rules 5010 and 9024 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") for an order reopening the above-captioned bankruptcy case for the limited purpose of filing a Motion To Void Judgment Lien, and to implement the relief requested therein. In support thereof, debtor respectfully represents as follows:

1. Debtor filed a Petition for Chapter 7 Bankruptcy on March 11, 2011 and received a discharge of all debts on June 14, 2011.
2. At the time of filing, debtor owned real estate located at 1551-1553 Glenmont, E. Cleveland, OH 44112 and 2443 Noble Road, Cleveland Hts., OH 44118 (the "real estate").
3. At the time of filing, the real estate was encumbered by a judgment lien in favor of Eleanor Wallace (JL-10-424963).
4. The debt to the above creditor was discharged through the bankruptcy, but the lien remained on the property. (Other judgment creditors voluntarily removed the liens upon the issuance of a discharge).
5. Debtor was aware of the judgment, but through inadvertence, mistake or neglect he was unaware of the lien until recently, when he tried to sell a property. He attempted to resolve this matter without court intervention and hoped that Ms. Wallace would voluntarily remove the lien, as other creditors did. To further complicate matters, Ms. Wallace lives in Canada and debtor does not have her address or telephone number. Accordingly, he dealt with the attorney who filed the lien, but all attempts were unsuccessful.
6. In order to remediate the situation, debtor hereby seeks authority pursuant to §§105(a) and 350(b) of the Bankruptcy Code and Rules 5010 and 9024 of the Bankruptcy Rules to first reopen the case for the limited purpose of allowing debtor to file a Motion to Void

Judgment Lien so that the above-mentioned lien will no longer encumber debtor's real estate, and other properties that he purchased since the filing of the bankruptcy..

7. The decision to reopen a case is left to the discretion of the Court. *In re Coogan*, 36 B.R. 621, 623 (Bankr. S.D. Ohio 1984). "The effect of [§ 350(b)] is merely to resurrect the court file from the stacks of the closed cases, or even from the archives, to enable it to receive a new request for relief." *In re David*, 106 B.R. 126, 128 (E.D. Mich 1989); *In re Leach*, 194 B.R. 812, 815 (E.D. Mich 1996) ("the reopening of a case is of no independent legal significance or consequence."). Although it has been some time since this case closed, debtor is unable to achieve the fresh start he was hoping for, due to the lien encumbering all of his properties. He did receive a discharge of the underlying debt, and no one will be prejudiced by re-opening this case. For the reasons set forth above, debtor submits that there is ample cause to reopen the case to permit debtor to file a Motion to Void Judgment Lien.
8. Debtor further requests that the Court re-close this case immediately following completion of the relief requested in the Motion to Void Judgment Lien.

WHEREFORE, debtor prays for an Order from the Court: (a) granting the Motion for the limited purpose of allowing debtor to file the Motion to Void Judgment Lien herein; (b) re-closing this case immediately upon completion of the relief requested in the Motion to Void Judgment Lien; and (c) granting such other and further relief to which debtor may be entitled.

/s/ Renee Heller
Renee Heller (0062894)
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CERTIFICATE OF SERVICE

I certify that on the 14th day of August, 2014, copies of this Motion were served by ordinary U.S. mail or electronically to the persons listed below:

David Simon, Chapter 7 Trustee
** electronically

Office of the US Trustee, at (Registered address)@usdoj.gov

Robinson Oldham, debtor
1551 Glenmont Cleveland, OH 44112

/s/ Renee Heller
Renee Heller
Attorney for Debtor